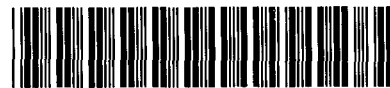


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COMMISSIONERS
MARC SPITZER - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES



OPEN MEETING

RECEIVED

ARIZONA CORPORATION COMMISSION

2003 NOV -7 A 9:15

DATE: November 7, 2003

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKET NO: T-03790A-01-0635

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Teena Wolfe. The recommendation has been filed in the form of an Order on:

VIATEL SERVICES, INC.
(CANCEL CC&N/RESELLER)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

NOVEMBER 17, 2003

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

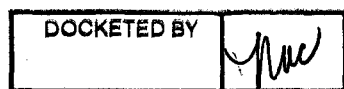
December 2 and 3, 2003

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Secretary's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

NOV 07 2003



BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 MARC SPITZER, Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 MIKE GLEASON
7 KRISTIN K. MAYES

8 IN THE MATTER OF THE APPLICATION OF
9 VIATEL SERVICES, INC. FOR CANCELLATION
10 OF ITS CERTIFICATE OF CONVENIENCE AND
11 NECESSITY TO PROVIDE COMPETITIVE
12 RESOLD TELECOMMUNICATIONS SERVICES
13 EXCEPT LOCAL EXCHANGE SERVICES.

DOCKET NO. T-03790A-01-0635

DECISION NO. _____

ORDER

14 Open Meeting
15 December 2 and 3, 2003
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Commission finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. On June 30, 2000, in Decision No. 62726, the Commission granted to Viatel Services,
22 Inc. ("Viatel" or "Applicant") a Certificate of Convenience and Necessity ("CC&N") authorizing it to
23 provide competitive interLATA/intraLATA resold telecommunications services, except local
24 exchange services, in Arizona.

25 2. On August 3, 2001, Viatel filed in this docket an application requesting that the
26 Commission withdraw its tariff on file with the Commission. The application stated that Viatel filed
27 a Chapter 11 bankruptcy petition on May 2, 2001, and discontinued the provision of all services in
28 the United States.

3. On October 30, 2003, the Commission's Utilities Division Staff ("Staff") filed a Staff
Report in this matter, recommending that Viatel's CC&N be cancelled.

4. Staff states that Viatel did not exercise its authority to provide telecommunications
services in the State of Arizona. Staff further states that Viatel does not service any intrastate
customers, and no prepayments, deposits, or advances would be at risk by cancellation of Viatel's

1 CC&N.

2 5. Numerous other carriers in Arizona offer services similar to those that Viatel is
3 currently certificated to provide.

4 6. No Arizona customers will be affected by the requested cancellation.

5 **CONCLUSIONS OF LAW**

6 1. Applicant is a public service corporation within the meaning of Article XV of the
7 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

8 2. The Commission has jurisdiction over Applicant and the subject matter of the
9 application.

10 3. The cancellation of Applicant's CC&N is in the public interest.

11 4. Staff's recommendations in Findings of Fact No. 3 are reasonable and should be
12 adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of Viatel Services, Inc. for the withdrawal of its tariff is hereby approved.

IT IS FURTHER ORDERED that Viatel Services, Inc.'s Certificate of Convenience and Necessity is hereby cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN	COMMISSIONER	COMMISSIONER
COMMISSIONER	COMMISSIONER	

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2003.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____
DISSENT: _____

TW:mlj

SERVICE LIST FOR:

VIATEL SERVICES, INC.

DOCKET NO.:

T-03790A-01-0635

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